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BEFORE THE FEDERAL ELECTION COMMISSION

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OFFICE OF GENERAL
COUNSEL

MUR No. 215

v.

AJ Kern for Congress,

Sauk Rapids, MN 56379

COMPLAINT

1. This Complaint addresses a number of campaign finance violations that are evident from the April 2016 and June 2016 Form 3 quarterly filings by the AJ Kern for Congress committee (the "Committee"), as well as the Committee's failure to timely file its pre-election filing for the 2016 primary election. The Committee's April 2016 Form 3 quarterly filing (the "April Report") is attached as **Exhibit A**. The Committee's June 2016 Form 3 quarterly filing (the "June Report") is attached as **Exhibit B**. The April Report and the June Report are collectively referred to as the "Reports."

COUNT I
LATE FILING OF APRIL 2016 QUARTERLY REPORT
(11 C.F.R. § 104.5)

2. The April Report was filed on April 18, 2016, in violation of the deadline set forth in 11 CFR § 104.5. The late filing is reflected on the first page of the April Report.

COUNT II
EXCESSIVE PERSONAL LOANS AND CONTRIBUTIONS
(11 C.F.R. § 110.1)

3. The Reports disclose several contributions and loans from John Kern, which aggregate to \$10,963.00 for the 2016 Primary Election, as reflected on Transaction ID SA11AI.4318 in the June

Report. These contributions and loans violate the contribution limits for the 2016 Primary Election set forth in 11 C.F.R. § 110.1, and are clearly unlawful under § 110.1 and 11 C.F.R. § 100.52(b).

**COUNT III
EXCESSIVE CASH CONTRIBUTIONS
(11 C.F.R. § 110.4)**

4. The Reports contain a number of contributions from John Kern with language indicating that they were cash contributions. Specifically, the following reported contributions from John Kern are designated as cash contributions.

| Date | Amount | Transaction ID |
|---------|----------|----------------|
| 3/8/16 | \$86.00 | SA11AI.4179 |
| 3/18/16 | \$115.00 | SA11AI.4202 |
| 4/11/16 | \$150.00 | SA11AI.4209 |
| 4/11/16 | \$150.00 | SA11AI.4219 |
| 4/23/16 | \$75.00 | SA11AI.4231 |

5. These contributions are each in violation of 11 C.F.R. § 110.4, which limits all aggregate cash contributions from any single donor to \$100.00.

**COUNT IV
IMPROPERLY REPORTED CONTRIBUTIONS FROM AJ KERN FOR CONGRESS
(11 C.F.R. § 104.3)**

6. On the June Report, Transaction ID SA11AI.4270, the Committee reported a \$100.00 contribution on 6/1/2016 from "AJ Kern for Congress," with a memo description: "GoFundMe Contribution." The source of this contribution is almost certainly false, as the Committee could not possibly be contributing to itself. If this transaction reflects a contribution made by some other donor on GoFundMe, the Committee has failed to properly disclose the required information for that donor.

7. In addition, this transaction states that an "Election Cycle-to-Date" aggregate total of \$300.00 in contributions from AJ Kern for Congress, but there are no other corresponding contributions disclosed anywhere on the Reports.

8. This incorrectly reported contribution violates 11 C.F.R. § 104.3.

COUNT V
IMPROPERLY REPORTED & POSSIBLY PROHIBITED CONTRIBUTION
(11 C.F.R. §§ 104.3 & 114.2)

9. On the June Report, Transaction ID SA11AI.4244, the Committee reported a \$906.25 contribution from Keven Durkin, with the memo item "Billboard Rental – to be refunded." On information and belief, the billboard that is referenced was previously used by Durkin's employer, the Boot Shack. Thus, it is unclear whether this contribution is genuinely a personal contribution by Mr. Durkin, or an improper corporate contribution by the Boot Shack in violation of 11 C.F.R. § 114.2.

10. In addition, as noted above, the memo item indicates that this contribution is "to be refunded." Thus, even if it were a contribution from Mr. Durkin personally, it appears to be either a loan or an unpaid bill of the Committee, but is not disclosed as such in the June Report, in apparent violation of 11 C.F.R. § 104.3.

COUNT VI
FAILURE TO TIMELY FILE PRE-ELECTION REPORT
(11 C.F.R. § 104.5)

11. As of the date of this Complaint, the Committee apparently has not yet filed a pre-election report for the 2016 primary election. Because AJ Kern is a candidate in the upcoming August 9, 2016 primary election, the Committee's pre-election report was due on July 28, 2016, pursuant to 11 C.F.R. § 104.5(a)(2)(i).


Dated: 8/1, 2016

Respectfully submitted,



David FitzSimmons
PO Box 153
Albertville, MN 55301

Subscribed and sworn to before me
this 1st day of August, 2016


Notary Public

